

ORDINANCE NO. 12-16

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A VOCATIONAL NURSING SCHOOL PURSUANT TO HIALEAH CODE §98-181(2)i., ON CONDITION THAT THE CLASS SIZE DOES NOT EXCEED 18 STUDENTS, THE NUMBER OF STAFF ONSITE DOES NOT EXCEED 3 MEMBERS AT ANY TIME AND THE REDUCED PARKING BUFFER BE LANDSCAPED, AND GRANTING A VARIANCE PERMIT TO WAIVE A PORTION OF THE LANDSCAPE MANUAL REQUIRING A SEVEN FOOT LANDSCAPED AREA BETWEEN THE OFF-STREET PARKING AND THE RIGHT-OF-WAY CONTRA TO HIALEAH CODE §98-2233 ON PROPERTY ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 444 EAST 25 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 22, 2012, recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a conditional use permit (CUP) to allow a vocation nursing school pursuant to Hialeah Code §98-181(2)i., on condition that the number of students attending class at any time on the property does not exceed 18 students, the number of staff onsite does not exceed 3 members at any time and the reduced parking buffer be landscaped, and granted a variance permit to waive a portion of the landscape manual requiring a seven foot landscaped area between the off-street parking and the right-of-way contra to Hialeah Code §98-2233 which provides in pertinent part: “The City Council, by ordinance, may waive the minimum landscaping

requirements of the Miami-Dade County Landscape Manual” as modified and supplemented by the city landscape manual which provides at D(7) “Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property.” on property zoned C-1 (Restricted Retail Commercial District). The property is located at 444 East 25 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 5 AND 6, LESS THE NORTH 20 FEET, IN
BLOCK 1B, OF SIXTH ADDITION TO THE TOWN OF
HIALEAH, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 8, AT PAGE 54 OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

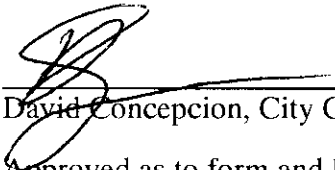
PASSED and ADOPTED this 27th day of March, 2012.

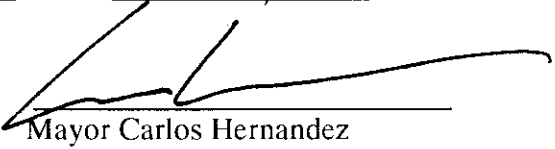
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

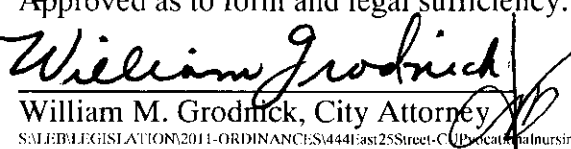
Attest:

Approved on this 28 day of March, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".